

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ADVANCED SILICON
TECHNOLOGIES LLC,

Plaintiff,

v.

NXP SEMICONDUCTORS N.V.,
NXP B.V., and
NXP USA, INC.,

Defendants.

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Case. No. 6:22-CV-0466-ADA-DTG

DEFENDANT NXP USA, INC.’S ORIGINAL ANSWER

Defendant NXP USA, Inc. (“NXP USA”)¹ responds to Plaintiff Advanced Silicon Technologies LLC’s (“AST”) Complaint for Patent Infringement (“Complaint”) as follows:

NXP USA denies infringement of any asserted claim of U.S. Patent Nos. 7,804,435 (the “435 patent”); and 8,933,945 (the “945 patent”) (collectively, “the Asserted Patents”). NXP USA also denies that AST is entitled to its requested relief or any other relief related to its allegations in the Complaint. NXP USA further denies each and every allegation contained in the Complaint unless expressly admitted in the following paragraphs. Any admitted factual allegation in the Complaint is admitted only as to the specific admitted fact(s), and not as to any purported conclusion, characterization, implication, or speculation that may follow from the fact(s) as admitted.

¹ The parties have filed a Stipulation of Dismissal Without Prejudice of Defendants NXP Semiconductors N.V. and NXP B.V. Dkt. 34. Thus, the remaining defendant is NXP USA, Inc.

NATURE OF THE ACTION

1. AST sues to stop, and to recover damages caused by, NXP's infringement of AST's patents.

ANSWER: NXP USA admits that AST purports to state a claim for patent infringement, but NXP USA denies that it infringed any patents and denies that AST is entitled to damages. NXP USA denies any remaining allegations in Paragraph 1.

2. This action involves patents that stem from the research and design of innovative and proprietary technology developed by AST's licensee, Advanced Micro Devices, Inc. ("AMD"). AMD is an American multi-national company and pioneer of cutting-edge graphics processor and microprocessor technology. The asserted patents cover inventions relating to important aspects of AMD's integrated circuit and microfabrication technology.

ANSWER: NXP USA is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 2, and therefore denies the allegations in Paragraph 2.

3. Tracing its history back to Philips and Motorola Semiconductors, NXP in its present form took shape in 2015 through a merger with Freescale Semiconductor. *See, e.g.,* <https://www.nxp.com/company/about-nxp/history:NXP-HISTORY>.

ANSWER: NXP USA denies the allegations in Paragraph 3.

PARTIES

4. Plaintiff Advanced Silicon Technologies LLC is a Delaware limited liability company with a principal place of business in Portland, Maine, and a mailing address of 533 Congress Street, Portland, Maine 04101.

ANSWER: NXP USA is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 4, and therefore denies the allegations in Paragraph 4.

5. Defendant NXP Semiconductors N.V. is a Dutch corporation with a principal place of business at High Tech Campus 60, 5656 AG Eindhoven, Netherlands.

ANSWER: The parties have filed a Stipulation of Dismissal Without Prejudice of Defendants NXP Semiconductors N.V. and NXP B.V. Dkt. 34 To the extent an answer is required, NXP USA admits that NXP Semiconductors N.V. is a Dutch public company

with its principal place of business located at 60 High Tech Campus, Eindhoven, Netherlands, 5656 AG.

6. Defendant NXP B.V. is a Dutch company with a principal place of business at High Tech Campus 60, 5656 AG Eindhoven, Netherlands.

ANSWER: The parties have filed a Stipulation of Dismissal Without Prejudice of Defendants NXP Semiconductors N.V. and NXP B.V. Dkt. 34 To the extent an answer is required, NXP USA admits that NXP B.V. is a Dutch company with its principal place of business located at 60 High Tech Campus, Eindhoven, Netherlands, 5656 AG

7. Defendant NXP USA, Inc. is a Delaware corporation with a principal place of business at 6501 W. William Cannon Drive, Austin, Texas 78735.

ANSWER: NXP USA admits that NXP USA, Inc. is a Delaware corporation with its principal place of business located at 6501 W. William Cannon Drive, Austin, TX 78735. NXP USA denies any remaining allegations in Paragraph 7.

8. On information and belief, NXP Semiconductors N.V. is a publicly traded company that owns and controls NXP B.V., which in turn owns and controls NXP USA, Inc. See, e.g., <https://investors.nxp.com/sec-filings/sec-filing/10-k/0001413447-21-000011>. NXP Semiconductors N.V. trades on the NASDAQ stock exchange under the symbol NXPI.

ANSWER: The parties have filed a Stipulation of Dismissal Without Prejudice of Defendants NXP Semiconductors N.V. and NXP B.V. Dkt. 34 To the extent an answer is required, NXP USA admits that NXP Semiconductors N.V. trades on the NASDAQ stock exchange under the symbol NXPI. NXP USA denies any remaining allegations in Paragraph 8.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because this action presents a federal question under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, 284, and 285.

ANSWER: NXP USA admits the allegations in Paragraph 9.

10. This Court has specific or, alternatively, general personal jurisdiction over Defendant NXP Semiconductors N.V. On information and belief, NXP Semiconductors N.V. is not subject to the jurisdiction of any state's court of general jurisdiction. Shares of NXP Semiconductors N.V. stock are routinely traded by investors, including investors in the United States, on NASDAQ and other stock exchanges under the symbol NXPI. On information and belief, investors in the United States own shares of NXP Semiconductors N.V. stock.

ANSWER: The parties have filed a Stipulation of Dismissal Without Prejudice of Defendants NXP Semiconductors N.V. and NXP B.V. Dkt. 34. To the extent an answer is required, NXP USA admits that NXP Semiconductors N.V. trades on the NASDAQ stock exchange under the symbol NXPI. NXP USA denies any remaining allegations in Paragraph 10.

11. This Court also has personal jurisdiction over NXP Semiconductors N.V. because it is the sole owner of NXP B.V. and owns, directly or indirectly, NXP USA, Inc. On information and belief, NXP Semiconductors N.V. through NXP B.V. and NXP USA, Inc. directly or indirectly owns, operates, or controls facilities that include offices and fabrication facilities in Austin, Texas where infringing products are designed, developed, manufactured, tested, used, marketed, imported, exported, offered for sale, or sold into a stream of commerce that includes this District. See <https://www.nxp.com/company/about-nxp/worldwide-locations/united-states:USA>.

ANSWER: The parties have filed a Stipulation of Dismissal Without Prejudice of Defendants NXP Semiconductors N.V. and NXP B.V. Dkt. 34. To the extent an answer is required, NXP USA admits that NXP Semiconductors N.V. owns NXP B.V. NXP USA denies any remaining allegations in Paragraph 11.

12. This Court has specific or, alternatively, general jurisdiction over Defendant NXP B.V. because NXP B.V. has engaged and continues to engage in substantial activities in this District that include causing the infringement of AST's patents. On information and belief, NXP B.V. is the parent company of NXP USA, Inc. and directly or indirectly owns, operates, or controls facilities that include offices and fabrication facilities in Austin, Texas where infringing products are designed, developed, manufactured, tested, used, marketed, imported, exported, offered for sale, or sold into a stream of commerce that includes this District. See *id.* As one example, NXP B.V. published the i.MX 8QuadMax Applications Processor Reference Manual cited in AST's Counts I and II as detailing how NXP's products infringe the exemplary asserted claims of AST's patents at issue in this action. See generally Exs. A, B.

ANSWER: The parties have filed a Stipulation of Dismissal Without Prejudice of Defendants NXP Semiconductors N.V. and NXP B.V. Dkt. 34. To the extent an answer is required, NXP USA denies the allegations in Paragraph 12.

13. This Court specific or, alternatively, general jurisdiction over NXP USA, Inc. because it is registered to do business in the State of Texas and operates its headquarters office and a manufacturing facility in Austin, Texas. See <https://www.nxp.com/company/about-nxp/worldwide-locations/united-states:USA>. NXP USA, Inc. has caused acts of infringement to occur in this District in violation of 35 U.S.C. § 271. For example, on information and belief, at its Austin, Texas facilities NXP USA, Inc. designs, develops, tests, uses, markets, imports, exports, offers to sell, and sells infringing products.

ANSWER: Without admitting personal jurisdiction is proper here, NXP USA does not contest personal jurisdiction for purposes of this litigation only. NXP USA denies that it “has caused acts of infringement to occur” and furthermore denies that it “designs, develops, tests, uses, markets, imports, exports, offers to sell, and sells infringing products.” NXP USA denies any remaining allegations in Paragraph 13.

14. In addition, NXP Semiconductors N.V., NXP B.V., and NXP USA, Inc. have acted together as a joint enterprise to design, develop, test, use, market, import, export, offer to sell, and sell infringing products in the United States, including in this District. On information and belief, NXP Semiconductors N.V. controls, dictates, or encourages the activities of NXP B.V. and NXP USA, Inc., and in turn NXP B.V. controls, dictates, or encourages the activities of NXP USA, Inc., which constitute infringement of one or more claims of AST’s patents.

ANSWER: The parties have filed a Stipulation of Dismissal Without Prejudice of Defendants NXP Semiconductors N.V. and NXP B.V. Dkt. 34 To the extent an answer is required, NXP USA denies the allegations in Paragraph 14.

15. Because NXP maintains more than minimum contacts with this District, the Court’s exercise of jurisdiction aligns with constitutional standards of fair play and substantial justice and arises directly from NXP’s purposeful contacts with this District. This Court also has jurisdiction over NXP Semiconductors N.V. and NXP B.V. upon service of the Complaint.

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